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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,723	06/30/2001	Thomas A. Hoch	HOCH 3-3-3	8724
7590 08/11/2005				
Troutman, Sanders, Mays & Valentine Attention: John Curtin, Esq. Suite 600 1660 International Drive McLean, VA 22102			EXAMINER JUNG, MIN	
			ART UNIT 2663	PAPER NUMBER

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,723

Applicant(s)

HOCH ET AL.

Examiner

Min Jung

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7,9,10,13,15,17-19,22 and 24 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,8,11,12,14,16,20,21,23 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Page 3, line 1, it seems that the beginning of the sentence has been inadvertently deleted at the time of the filing.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 7, 9, 10, 13, 15, 17, 18, 19, 22, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishibashi et al., US 5,663,949 (Ishibashi).

Ishibashi discloses a line protection switching system in duplexed fiber interface shelf.

Regarding claims 1, 9, and 17, Ishibashi teaches a plurality of telecommunications physical layer interfaces (Fiber Interface cards 10, 11), one or more telecommunications higher-layer processors (Fiber Interface Common Card 20, 21, Fiber Interface Common Cards perform further processing in addition to the basic physical layer processing performed by the Fiber Interface cards, col. 6, lines 37-53),

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and a digital cross-connect connected to route telecommunications traffic among the physical layer interfaces and the one or more telecommunications higher-layer processors, wherein the digital cross-connect is interposed between the physical layer interface and the one or more telecommunications higher-layer processors (the cross-connect connecting the Fiber Interface Cards and the Fiber Interface Common Cards, see col. 6, lines 4-6). See col. 5, line 65 – col. 7, line 12.

Further regarding claims 9 and 18, Ishibashi further teaches a packet switch fabric operable to switch telecommunications traffic, received at one or more of the physical layer interfaces, to at least one other of the one or more physical layer interfaces. See ATM switch 2, Fig. 27 and col. 1, lines 23-34.

Regarding claims 2, 10, and 19, Ishibashi teaches SONET physical layer. See Fiber Interface Card 10, 11 comprising SONET processor 100, Fig. 1, and col. 6, lines 11-30.

Regarding claims 5, 7, 13, 15, 22, and 24, Ishibashi further teaches the digital cross-connect configured to provide 1:1 automatic protection switching for communication traffic from at least one of the physical layer interfaces to one or more telecommunications higher-layer interfaces. See Fig. 1.

Allowable Subject Matter

4. Claims 3, 4, 6, 8, 11, 12, 14, 16, 20, 21, 23, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Grenier et al. patent, and the Zwan et al. patent, are cited for further references.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 571-272-3127. The examiner can normally be reached on Monday, Thursday, Friday 7:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
August 9, 2005


Min Jung
Primary Examiner